

**REMARKS**

A petition to extend the time for response by two (2) months is enclosed herewith.

Claims 8 - 19 are pending in the application.

In the Office Action, 8 - 19 are provisionally rejected. Additionally, claims 10 and 16 are objected to but indicated as allowable if properly rewritten. Also, in the Office Action, claims 8 and 13 are rejected under 35 U.S.C. §102(b) as anticipated by US Patent No. 5,554,284 to Bartelt et al. Further, in the Office Action, claims 8 and 14 are rejected under 35 U.S.C. §102(b) as anticipated by US Patent No. 3,179,116 to Jacobs. Additionally, in the Office Action, claims 8 - 9, 11 – 15, and 17 - 19 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 3,122,148 to Alabaster.

Claims 8 - 19 have been provisionally rejected on the grounds of obviousness-type double patenting as being unpatentable over claims 10 - 25 of copending Application No. 10/603,758. Should other pending issues be resolved, Applicant is willing to submit a terminal disclaimer relative to copending Application No. 10/603,758 to overcome the provisional rejection of the present application on the grounds of obviousness-type double patenting.

US Patent No. 5,554,284 to Bartelt et al discloses a backwashable filter but no temperature sensitive elements.

US Patent No. 3,179,116 to Jacobs discloses a self cleaning filter but no temperature sensitive elements.

US Patent No. 3,122,148 to Alabaster discloses a dishwasher with temperature sensitive elements. However, these temperature sensitive elements are not a filter but form, instead, a baffle forming a throat (see col. 4, lines 24 – 35 of US Patent No. 3,122,148 to Alabaster).

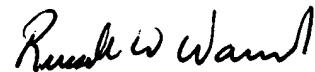
Claim 8 of the present application recites a filter including a filter body having a plurality of filter openings for filtering a medium flowing through the openings. Each of the openings is screened or covered by elements whose state

relative to the filter openings vary under the influence of the heat of the medium flowing through the openings. In view of the fact that none of US Patent No. 5,554,284 to Bartelt et al, US Patent No. 3,179,116 to Jacobs, or US Patent No. 3,122,148 to Alabaster teaches or discloses a temperature sensitive element of a filter – specifically, a filter body whose filter openings are screened or covered by elements whose state relative to the filter openings vary under the influence of the heat of the medium flowing through the openings, as recited in claim 8 of the present application, it is submitted that these cited references cannot be applied to reject claims 8, 10 – 12, and 14 - 19 under 35 U.S.C. §102(b) or 35 U.S.C. §103(a).

Thus, Applicant submits that claims 8, 10 – 12, and 14 - 19 are now in condition for allowance and early action toward that end is respectfully requested.

If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned.

Respectfully submitted



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